

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Matthew Donaghy	Team: Squad #14	CCRB Case #: 202003381	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/09/2020 9:35 PM	Location of Incident: East 149th Street between Saint Ann's Avenue and Eagle Avenue	Precinct: 40	18 Mo. SOL 11/9/2021	EO SOL 5/4/2022	
Date/Time CV Reported Tue, 05/19/2020 10:18 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 05/19/2020 10:18 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Victor Carrasquillo	16720	963904	PSA 7
2. POM Forrester Johnson	16943	964078	PSA 7

Officer(s)	Allegation	Investigator Recommendation
A.POM Victor Carrasquillo	Abuse: Police Officer Victor Carrasquillo stopped the vehicle in which § 87(2)(b) was an occupant.	
B.POM Forrester Johnson	Abuse: Police Officer Forrester Johnson stopped the vehicle in which § 87(2)(b) was an occupant.	
C.POM Victor Carrasquillo	Abuse: Police Officer Victor Carrasquillo frisked § 87(2)(b)	
D.POM Victor Carrasquillo	Abuse: Police Officer Victor Carrasquillo searched § 87(2)(b)	
E.POM Forrester Johnson	Abuse: Police Officer Forrester Johnson searched the vehicle in which § 87(2)(b) was an occupant.	
F.POM Victor Carrasquillo	Abuse: Police Officer Victor Carrasquillo failed to provide § 87(2)(b) with a business card.	
G.POM Forrester Johnson	Abuse: Police Officer Forrester Johnson failed to provide § 87(2)(b) with a business card.	

Case Summary

On May 19, 2020, § 87(2)(b) filed this complaint with the CCRB via the online website. On May 23, 2020, a duplicate of this complaint filed by § 87(2)(b) with the Internal Affairs Bureau was received at the CCRB.

On May 9, 2020, at approximately 9:35 p.m., § 87(2)(b) was driving alone in a 2004 Chrysler Sebring in the Bronx. Shortly after making a turn east off Saint Ann's Avenue onto East 149th Street, an unmarked vehicle operated by PO Victor Carrasquillo and PO Forrester Johnson, both of PSA 7, pulled § 87(2)(b) over (**Allegation A: Abuse of Authority, § 87(2)(g)** (**Allegation B: Abuse of Authority, § 87(2)(g)** The officers ordered § 87(2)(b) to exit his vehicle, whereupon PO Carrasquillo frisked and searched § 87(2)(b) (**Allegation C: Abuse of Authority, § 87(2)(g)** (**Allegation D: Abuse of Authority, § 87(2)(g)** After searching § 87(2)(b) PO Carrasquillo moved § 87(2)(b) to the rear of his stopped vehicle, and PO Johnson allegedly searched the cabin, glove compartments, and trunk of § 87(2)(b)'s vehicle (**Allegation E: Abuse of Authority, § 87(2)(g)** After the search of the trunk was completed, PO Carrasquillo and PO Johnson left without arresting § 87(2)(b) or issuing any summonses. Neither PO Carrasquillo nor PO Johnson gave § 87(2)(b) a business card (**Allegation F: Abuse of Authority, § 87(2)(g)** (**Allegation G: Abuse of Authority, § 87(2)(g)**

A concurrent IAB investigation into this incident (Board Review 17) substantiated PO Carrasquillo and PO Johnson for allegations of failure to activate their BWCs, failure to make required activity log entries, and failure to prepare a Stop Report.

There is no BWC in this case, as the officer improperly did not turn on their cameras.

Findings and Recommendations

Allegation (A) Abuse of Authority – Police Officer Victor Carrasquillo stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (B) Abuse of Authority – Police Officer Forrester Johnson stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (C) Abuse of Authority – Police Officer Victor Carrasquillo frisked § 87(2)(b).

Allegation (D) Abuse of Authority - Police Officer Victor Carrasquillo searched § 87(2)(b).

Allegation (E) Abuse of Authority - Police Officer Forrester Johnson searched the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) (Board Review 03) stated that on May 9, 2020, at approximately 9:35 p.m., he was pulled over by PO Carrasquillo and PO Johnson, identified by the investigation, on East 149th Street between Saint Ann's Avenue and Eagle Avenue in the Bronx. Prior to the vehicle stop, § 87(2)(b) believed he had followed all traffic laws. § 87(2)(b) did not believe he had any contraband in his vehicle and stated that his vehicle did not smell of marijuana. At no point during this incident did PO Carrasquillo nor PO Johnson tell § 87(2)(b) the initial reason for the stop, or what laws, if any, he had broken prior to the stop.

§ 87(2)(b) stated that PO Carrasquillo, after examining his ID, instructed § 87(2)(b) to exit his vehicle. PO Carrasquillo then proceeded to touch § 87(2)(b) over the entirety of his body, moving from the top of his body to the bottom. PO Carrasquillo grabbed between § 87(2)(b)'s legs and placed hands inside both the front two and back two pockets on § 87(2)(b)'s pants. § 87(2)(b) did not have anything on his person at the time of this search. While this was occurred, PO Johnson searched § 87(2)(b)'s vehicle, and looked at the entirety of the cabin, the glove compartment, and the trunk. § 87(2)(b) stated that PO Johnson

did not identify any contraband during this search, and that the search lasted approximately seven to ten minutes. § 87(2)(b) was not arrested or issued a summons at any point during this incident and was ultimately released from the scene.

During their CCRB interviews, neither PO Carrasquillo (Board Review 04) nor PO Johnson (Board Review 05) had any recollection of this incident. PO Carrasquillo and PO Johnson both testified that they did not recall conducting any traffic stops during their tour, nor did they recall any traffic stop resulting in searches of a person or a vehicle. The CCRB obtained a Warrant Audit from the IAB-CCRB Liaison Unit, which revealed that PO Carrasquillo conducted a warrant audit for § 87(2)(b) at the time of this incident from his department cell phone (Board Review 12). However, upon being presented with this warrant audit during his CCRB interview, PO Carrasquillo still did not have any additional recollection of this incident or justification for why he ran § 87(2)(b)'s name from his department cell phone.

IAB Group 21 conducted a concurrent investigation into this incident based on allegations that PO Johnson and PO Carrasquillo took money from § 87(2)(b)'s vehicle, which were ultimately unsubstantiated. IAB conducted an AVL search for the incident location and identified that PO Johnson and PO Carrasquillo's vehicle was in the vicinity at the incident time (Board Review 14). The statements of PO Johnson and PO Carrasquillo were consistent with their CCRB interviews that they did not have an independent recollection of this incident. Per the IAB case file (Board Review 17), IAB's investigation of this incident determined that there was insufficient evidence to determine if PO Carrasquillo and PO Johnson had justification to stop § 87(2)(b)'s vehicle or search § 87(2)(b)'s person or vehicle.

§ 87(2)(b), § 87(2)(g)

Allegation (F) Abuse of Authority - Police Officer Victor Carrasquillo failed to provide § 87(2)(b) with a business card.

Allegation (G) Abuse of Authority - Police Officer Forrester Johnson failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) said that neither PO Carrasquillo nor PO Johnson provided him with a business card at any point during this incident.

PO Carrasquillo and PO Johnson both testified that they did not have any recollection of this incident and did not recall if they provided § 87(2)(b) with a business card. PO Carrasquillo initially stated that, at the time of this incident, officers were not required to provide business cards to civilians unless the civilian asked for one. However, after being asked a second time, PO Carrasquillo stated that during Level 3 stops officers are required to provide business cards. PO Johnson (Board Review 05) stated that he would have been required to provide a business card to § 87(2)(b) if § 87(2)(b) had requested one. PO Johnson was asked if there are circumstances in which he would have been required to provide a business card regardless of whether an individual requested one, and he stated that a stop could be one such circumstance. However, PO Johnson was unable to state under what circumstances a stop would require a business card be given, even if the civilian receiving the business card did not request one.

In their statements to IAB (Board Review 17), neither PO Johnson nor PO Carrasquillo were able to articulate why they did not provide § 87(2)(b) with a business card during this incident and they had no recollection of the incident.

Per the IAB case file, the IAB investigation of this incident determined that PO

Carrasquillo and PO Johnson failed to provide a business card to § 87(2)(b) after conducting enforcement action. During a telephone conversation, Lieutenant Richard Healey of IAB Group 21 stated that the business card allegations were substantiated by IAB due to PO Carrasquillo and PO Johnson's involvement in a previous incident in 2019, in which IAB determined that PO Carrasquillo and PO Johnson failed to provide a business card when required. IAB determined that, based on this previous documented misconduct, the business card allegations during this incident should be substantiated.

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- PO Carrasquillo has been a member of service for four years and has been a subject in five CCRB complaints and twenty-five allegations, none of which were substantiated.
 - § 87(2)(g)
- PO Johnson has been a member of service for four years and has been a subject in four CCRB complaints and twenty-five allegations, none of which were substantiated.
 - § 87(2)(g)

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of November 5, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (Board Review 10).

§ 87(2)(b)

Squad: 14

Investigator: Matthew Donaghy Inv. Matthew Donaghy November 18, 2021
Signature Print Title & Name Date

Squad Leader: Cassandra Fenkel IM Cassandra Fenkel November 18, 2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date